



12th June 2009

Ms Claudia Lam
Acting Executive Secretary
Secretariat of ECRI
Council of Europe
Directorate General of Human Rights and Legal Affairs-DGHL
F-67075 Strasbourg Cedex
FRANCE

Email: combat.racism@coe.int

**Equality Commission for Northern Ireland Evidence Submission
for Contact ECRI Visit to the United Kingdom**

On 9 March 2009, I provided an oral submission by telephone conference to the rapporteurs of the European Commission against Racism and Intolerance (ECRI), during their contact visit to the United Kingdom on progress made against the “Third Report on the United Kingdom”. This attached report supports that oral submission.

Yours sincerely

ANTOINETTE MCKEOWN
Head of Policy and Development

Direct Line: +44 28 9050 0572
Textphone: +44 28 9050 0589
E-mail: amckeown@equalityni.org



Equality Commission for Northern Ireland Evidence Submission for Contact ECRI Visit to the United Kingdom

Purpose of report

1. On 9 March 2009, Antoinette McKeown, Head of Policy and Development at the Equality Commission for Northern Ireland (“the Commission”), provided an oral submission by telephone conference to the rapporteurs¹ of the European Commission against Racism and Intolerance (ECRI), during their contact visit to the United Kingdom on progress made against the “Third Report on the United Kingdom”. This report supports that oral submission.

Background of the Commission

2. The Commission is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation and disability. The Commission’s remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (s.75).

¹ Ms Winnie Sorgdrager (member in respect of the Netherlands) and Mr Dalibor Jilek (member in respect of the Czech Republic).

3. The Commission's general duties include:
 - working towards the elimination of discrimination
 - promoting equality of opportunity and encouraging good practice
 - promoting positive / affirmative action
 - promoting good relations between people of different racial groups
 - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities
 - keeping the legislation under review

General Comments

4. The Commission recognises the importance of the ECRI visit to the United Kingdom. In respect to issues that are specific to Northern Ireland and the work of the Commission, we welcome the opportunity to provide comment, and response, on progress made against the Third Report on the United Kingdom.
5. The Commission is keen to ensure that ECRI has a full picture of the situation in Northern Ireland, which is substantially different from that in Great Britain. It is unfortunate that ECRI was not able to include a visit to Northern Ireland as part of its schedule and we look forward to the opportunity of meeting with ECRI in Northern Ireland in the future.
6. Over the last decade, Northern Ireland has experienced a rapidly changing economic and social environment. Highlights include:
 - a period of sustained economic growth (despite the current economic downturn)
 - a rapidly changing demographic profile due to inward migration, particularly from Eastern Europe, with more and more complete families settling, raising implications for education, health and housing
 - the measured and united community reaction to the recent murders in Antrim and Craigavon, at a grassroots and political

level, was clearly symbolic on how far Northern Ireland has come to achieving a more integrated society and working towards a peaceful resolution to conflict

6. There have also been a number of areas where the government has progressed public policy in addressing concerns and issues from the 3rd Report. The Commission has been actively engaged in the following to ensure the promotion of equality of opportunity and good relations:
 - the Programme for Government
 - the Northern Ireland Investment Strategy
 - the Review of Public Administration
7. Strategies that are directly relevant to the integration of migrant workers, ethnic minorities and Irish Travellers include A Shared Future and the Racial Equality Strategy. Presently being negotiated by the Northern Ireland Executive to replace these two strategies is a Programme for Cohesion, Sharing and Integration for a Shared and Better Future.
8. The Commission notes the progress made to address issues as identified in the ECRI's 3rd Report, but continues to raise concerns in a number of areas which are outlined in more detail below. However, general concerns are around the specific implementation of government strategies, coherence across the public sector and the delivery of real change.

Specific Comments Arising from ECRI's 3rd Report and Recommendations

9. ECRI raised concerns about the Commission's focus on racial equality and highlighted the perception of a loss of focus. The following examples of the Commission's activities hopefully allay ECRI's concerns on the matter.

Statement on Key Inequalities

10. In October 2007, the Commission published its *Statement on Key Inequalities in Northern Ireland*. The Statement sought to highlight the range and breadth of the equality agenda in Northern Ireland and to set out clearly and unequivocally some of the inequalities which remain to be addressed. The Statement informed the Commission's priority areas, and covered six broad areas which we believed must be addressed if we were to progress towards realising equality of opportunity in Northern Ireland society:
- educational under-achievement
 - employment
 - access to and availability of health and social care
 - housing and communities
 - participation in public life
 - impact of prejudice
10. Throughout the Statement the positions of ethnic minorities, new migrants and Travellers are outlined across all the various areas. A copy of this report is enclosed.

Good Relations

11. The Commission retains a focus on good relations as a key driver in public policy debates in Northern Ireland.
12. The Commission in 2005 established the Good Relations Forum and now jointly chairs the Forum with the Community Relations Council. The Forum seeks to influence change by actively engaging on policy and practice initiatives by raising public understanding of issues of good relations and equality. It comprises representatives from key public organisations and local community representatives with a body of knowledge of good relations issues at a grass-roots level.

13. The Commission has recently published papers in respect to promoting Good Relations and advocating good practices:

- Embedding Good Relations in Local Government: Challenges and Opportunities (2007)²
- New Migration, Equality and Integration: Issues and Challenges for Northern Ireland (2009)³

14. Copies of these publications are enclosed.

Embedding Equality and Good Relations in the Review of Public Administration and the utilisation of Section 75

15. There are a number of structural changes to the public sector which are vital to engage with for ensuring future public services are appropriate to user needs, given the changing demographics of Northern Ireland and racial equality issues associated to this.

16. The organisation and structures of local and central public sector organisations in Northern Ireland are being reviewed and revised by a Review of Public Administration (RPA). This process provides a unique opportunity for public sector agencies to ensure that both equality and good relations are placed at the heart of their policies and service delivery, through new powers and structures. For instance, in local government, local authorities will be able to utilise community planning partnerships and a power of well-being.

17. The Commission has published *Principles for Equality of Opportunity and Good Relations in Local Government Reform - Public Policy Statement 1*, to guide local authorities on these issues and to positively influence their policy development and implementation, particularly relating to community planning and the proposed power of well-being. Key recommendations relate to the following: leadership, communication, accountability and information, collaboration, and inclusion. A copy of this report is enclosed.

² <http://www.equalityni.org/archive/pdf/ECchallandopport.pdf>

³ <http://www.equalityni.org/archive/pdf/ICRMigrantworkersJanuary2009.pdf>

18. In its 3rd Report, ECRI makes a specific recommendation that the authorities of the United Kingdom keep the effectiveness of the Section 75 equality duty closely under review. In this respect, it recommends in particular that the authorities ensure that the duty to promote equality of opportunities and good relations between racial groups and persons of different religious beliefs does not receive less attention than other facets of the duty.
19. The Commission is concerned that this is not progressing in Northern Ireland under the devolved administration and there are significant notes of disparity of legislative, civil and administrative law provisions cover across the United Kingdom with the recent publication of the Equalities Bill for Great Britain.
20. Section 75 (1) and (2) of the Northern Ireland Act 1998 places duties on public authorities to have due regard to the need to promote equality of opportunity (through equality schemes) and regard to the desirability to promote good relations. The Commission's initial focus in administering s 75 has been to assist public authorities to bed-in their equality obligations. The Commission's statutory guidance and oversight roles have ensured there is a synergy between approval, compliance and the enforcement of equality schemes.
21. However, Northern Ireland is now moving towards second generation equality schemes, with an increased focus on tangible outcomes. The Commission is currently revising the statutory guidance for public authorities and this is subject to consultation. Public authorities are likely to be required to produce action plans with performance indicators and associated timescales, with the intention of delivering more outcomes and impacts for individuals across the nine equality strands. As part of this process, we are also considering inviting public authorities to include areas that we have identified in our Statement on Key Inequalities in Northern Ireland, where these are missing in action plans.
22. In 2008, the Commission completed an effectiveness review of s75, which identified consultation with equality groups and representative organisations as one of the great successes of

s75 to date, from the viewpoint of both public authorities and equality groups. It also suggested that the process might go further to deliver more direct contact with affected individuals.

23. As noted in the 3rd Report, the Commission considers the duties on public authorities as key to organisational change to deliver outcomes and changes to the lives of individuals. The Commission's review reaches this conclusion:

“... the Commission agenda on key inequalities should further ensure that actions by public authorities address inequalities and good relations across the categories, and specifically those that are linked to race equality and good relations.”

24. The Commission is currently developing a new standards of compliance framework to enact effective auditing of public authorities. This framework will emphasise the need for public authorities to undertake guidance as outlined in the *Promoting Good Relations: A Guide for Public Authorities*.⁴
25. The Commission welcomes ECRI's focus on monitoring the racism and intolerance in Northern Ireland. The Commission believes that an effective vehicle in Northern Ireland to address this is through monitoring developments arising from Section 75. The Commission broadly welcomes further recommendations from ECRI to the UK authorities that refer explicitly to Section 75 (and the equivalent duties in Great Britain) as a useful vehicle for monitoring progress against equality and good relations outcomes and equality schemes, so ensuring that public authorities provide effective evidence bases for corporate and service planning and delivery.

Promotion and Education

26. The Commission has an active role in the promotion and education of racial equality issues and good relations, and in the provision of guidance across all areas.

⁴ <http://www.equalityni.org/archive/pdf/Good%20Relations%20Summary%20Guide.pdf>

27. The Commission has specific interest in the provision of public services and that this done to promote equality of opportunity and good relations. Section 75 is the Commission's main focus for progressing actions and influencing public authorities. However, the Commission has a specific interest in education, due to its fundamental influence on an individual's life chances.
28. The Commission has engaged with the Department of Education on issues around language provision and the integration of greater numbers of those from different nationalities or with language support needs into our schools. Whilst there has been significant progress in the provision of language support services, there remains a range of issues that we have recently highlighted in a further statement on inequalities in education, *Every Child an Equal Child – An Equality Commission Statement on Key Inequalities in Education and a Strategy for Intervention*.⁵ The Commission strongly recommend that ECRI reflects on this document to form a view of progress in Northern Ireland on this issue.
29. The Commission has been actively leading annual promotional and educational campaigns:
- Anti-Racist Workplace Week (November)
 - Inter-Cultural Week (March)
 - Traveller Focus Week (December)
30. The Commission has produced a draft Code of Practice, *Racial Equality in Housing*,⁶ which provides comprehensive guidance with respect to complying with, and good practice on race relations law and housing. In conjunction with this publication, the Commission is producing five short guides and summary guidance for small to medium sized landlords.

5

http://www.equalityni.org/sections/default.asp?secid=1&cms=News_Campaigns_Every+Child+an+Equal+Child&cmsid=1_21_102&id=102

6

http://www.equalityni.org/sections/default.asp?cms=Service+Providers_Goods%2C+facilities+and+services_Service+provision++race+law_Housing&cmsid=130_242_298_420&id=420&secid=4

31. Furthermore, recently the Commission recent published *Employing Migrant Workers in Northern Ireland*,⁷ a practical guidance on how employers can best to comply with their responsibilities under Northern Ireland's anti-discrimination laws regarding their treatment of migrant workers.
32. The Commission has also produced a draft guidance entitled, *Promoting a Good & Harmonious Working Environment - A Guide for Employers and Employees*.⁸

Travellers

33. The Commission remains involved with Traveller issues and remains concerned with the ongoing levels of poverty and social exclusion Traveller experience. Commission research in 2008-09 indicates an increase in negative views towards Travellers by those surveyed, compared with a similar survey in 2005. I have included a copy of this report with this report.
34. In May 2007, the Commission launched a draft strategy⁹ to promote Irish Traveller issues. Its purpose is to champion work with Travellers through collaborative work with statutory and voluntary organisations and to ensure that all such work is placed in an equality, human rights and development framework to maximise the benefit to Traveller of all endeavours.

Monitoring Systems

35. In the 3rd Report, ECRI recommends that the authorities of the United Kingdom ensure that Roma/Gypsies and Travellers are included in national and local ethnic monitoring systems. It recommends that the authorities ensure that the Roma/Gypsy and Traveller communities are thoroughly involved in all the aspects concerning the collection of such data. The Commission is in support of these recommendations. The Commission has actively engaged on monitoring issues, with respect to employment, housing/accommodation and education.

⁷ <http://www.equalityni.org/archive/pdf/migrantworkers.pdf>

⁸ <http://www.equalityni.org/archive/pdf/Harmonyatwork.pdf>

⁹ <http://www.equalityni.org/archive/tempdocs/TravellerPEStrategyfin250507.doc>

36. The Commission has made recommendations to Government to extend the current monitoring requirements under the fair employment legislation to cover additional grounds of nationality and ethnic origin. If enacted, registered employers,¹⁰ in addition to monitoring the community background and gender of their employees and applicants, will be required to collect monitoring information on these additional grounds on applicants and appointees.

Housing / Accommodation

37. The Commission welcomes the recommendations made within the 3rd Report that the authorities of the UK ensure that Roma/Gypsy and Traveller needs are mainstreamed in all housing policies both at central and at local levels, including policies to tackle homelessness. The Commission also supports the recommendation that the authorities ensure availability of adequate public permanent and transit sites, including, as necessary, by introducing a legal obligation on local authorities to provide such sites and the recommendation that the authorities work to improve security of tenure for Roma/Gypsies and Travellers on public sites. Similarly, the Commission welcomes the recommendation that the authorities ensure availability of private sites and tackle any instances of discrimination in the granting of planning permission, and that the authorities ensure that provision of social housing reflect as much as possible the specific needs of Roma/Gypsy and Traveller tenants.
38. In welcoming and agreeing with the recommendations, made within the 3rd Report, concerning Traveller accommodation, the Commission strongly believes that ECRI should reiterate their recommendations.
39. The Commission welcomes the positive moves made by some statutory bodies to move forward in the areas recommended by ECRI. However, statutory responsibility for Traveller accommodation in Northern Ireland is fragmented. The

¹⁰ Those employing 11 or more employees, working 16 hours a week or more

Commission would like highlight the need for authorities with a statutory remit for Traveller accommodation, planning and guidance to act in a coherent and coordinated manner to deliver effective accommodation services to the Traveller community.

40. The Chief Commissioner of the Equality Commission has expressed particular concern over the provision of adequate and culturally sensitive accommodation and the minimum standards of accommodation Traveller experience. He has recommended high level engagement with all relevant statutory bodies.
41. The Commission has just published a research report *Outlining Minimum Standards for Traveller Accommodation*.¹¹ The report's main objective is to inform and develop the Commission's thinking on minimum standards for Traveller accommodation and to determine whether the existing law and Government policies are sufficient. It recommends:
 - an amendment to homelessness legislation to require authorities to provide culturally sensitive accommodation for Traveller households who are statutorily homeless
 - the need to clarify the law in respect of use of site accommodation both for Travellers who are owner occupiers and for those who are tenants
 - the strengthening of security of tenure for Travellers living on sites as tenants
 - that consideration should be given to bring forward legislation to expedite the identification, acquisition and allocation of land for site development
 - minimum standards across a range of Traveller accommodations

Education

42. In the 3rd Report, ECRI recommends that the authorities of the United Kingdom address the situation of disadvantage of Roma/Gypsy and Traveller children in education, by targeting

11

http://www.equalityni.org/sections/default.asp?secid=7&cms=Research_Research+projects_ongoing+work&cmsid=90_92_406&id=406#min

specific measures to improve these children's access, attendance and achievement. ECRI went on to recommend, in particular, that the authorities address the issue of bullying in schools throughout the country, and devote particular attention to anti-Roma/Gypsy and Traveller bullying. ECRI also recommended that the authorities of the United Kingdom ensure that existing opportunities for schools for integrating the teaching of the history of culture of Roma/Gypsy and Travellers in the schools curriculum are used in practice.

43. The Commission has prioritised engagement with the Department of Education on Traveller issues. It has done so generally, with respect to Traveller issues, on its statement on key inequalities in education and for the supporting strategy of intervention, and more specifically by chairing the Traveller and Education Roundtable, and in its participation in the recently formed Taskforce on Traveller Education¹² convened by the Department of Education.
44. The roundtable achieved progress towards the effective monitoring of Traveller children attainment and attendance and in the development of a Department's updating of policy guidelines, prior to lead responsibility for this work being adopted by the Taskforce.
45. However, in welcoming the establishment of the Taskforce on Traveller Education by the Department, the Commission would press ECRI to recommend that all recommendations and actions emanating from the Taskforce are delivered in a timely and coherent fashion, that are fully consistent with Section 75 processes for mainstreaming equality of opportunity and good relations, given the ongoing establishment of new education structures under the Review of Public Administration.

¹² http://www.deni.gov.uk/index/21-pupils_parents-pg/18_pupils_parents-travellers_pg.htm

46. In November 2008, at our annual conference, we launched *Every Child an Equal Child – An Equality Commission Statement on Key Inequalities in Education and a Strategy for Intervention*.¹³ A copy of this report is enclosed. Amongst other things, this Statement highlights the relationships between low educational attainment and social exclusion, with particular reference to children from: the Irish Traveller community, minority ethnic backgrounds, and new residents and migrant workers. We developed three overarching objectives:

- every child has equality of access to a quality educational experience
- every child is given the opportunity to reach his or her full potential
- the ethos of every school promotes the inclusion and participation of all children

47. To implement this vision, the Commission has developed proposals to:

- review curriculum support materials and develop good practice guidance
- set strategic actions and outcomes to reduce inequalities through equality schemes
- develop equality and good relations elements to the training programmes provided for student teachers, existing teachers, heads and governors
- develop equality and good relations indicators for schools to be used to monitor progress on embedding equality and good relations

48. In addition to the above strategy, and engagement with the Taskforce, the Commission has set out its policy position and approach on priority areas relating to the education of Traveller children, in a public policy statement *Mainstreaming Equality of Opportunity and Good Relations for Traveller Children in*

13

http://www.equalityni.org/sections/default.asp?secid=1&cms=News_Campaigns_Every+Child+an+Equal+Child&cmsid=1_21_102&id=102

*Schools.*¹⁴ Within this statement, the Commission outlines a number of issues for Travellers in terms of access to education and considers policy solutions for mainstreaming equality of opportunity for Travellers in education. A copy of this report is enclosed.

49. In separate work, the Commission was represented on the Racist Bullying Task Group, part of the Anti-Bullying Forum,¹⁵ made up of representatives from Government, educationalist and other statutory bodies, and contributed to the development of a leaflet *What is bullying due to race, faith and culture?*¹⁶

Conclusion

The Commission sees the work of ECRI as very important with respect to Northern Ireland. The Commission continues to work on issues of race, ethnicity and nationality in an integrated way, and with an understanding that we all have multiple identities, but retains a strategic focus on single issues. The Commission would be delighted to provide additional information if requested.

¹⁴ <http://www.equalityni.org/archive/pdf/TravellerChildreninSchools1208.pdf>

¹⁵

http://www.niabf.org.uk/cms/index.php?option=com_events&task=view_detail&agid=13&year=2008&month=4&day=10&Itemid=81&catid=40%7C50%7C55%7C59

¹⁶ http://www.deni.gov.uk/final_pdf_version_of_racist_bullying_leaflet_for_website_publication_-_16.11.07.pdf